

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Application No.	09/873,800
Filing Date	June 4, 2001
First Named Inventor	James J. Barnat
Group Art Unit	2864
Examiner Name	Raymond W. Addie
Attorney Docket No	501094

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

1. Submission required under 37 CFR 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on April 27, 2004 and received in the U.S. Patent and Trademark Office on May 3, 2004
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Form PTO-1449
- v. ☐ Copies of References listed in Form PTO-1449
(except for U.S. patents and applications)
- vi. ☒ Other: Supplemental Response to Address Advisory Action

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)
- b. ☐ Applicant claims small entity status. See 37 CFR 1.27
- c. ☐ Other:

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.
- i. ☒ RCE fee of \$770.00 (large entity) required under 37 CFR 1.17(e)
- ii. ☒ One-month extension of time fee of \$110.00 (37 CFR 1.136 and 1.17)
- iii. ☒ Petition for an extension of time for the period noted above, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- iv. ☐ Suspension of action fee of \$130.00 (37 CFR 1.17(i))
- v. ☐ Other:

\$770.00

\$110.00

06/02/2004 MAHME1 00000012 121216 09873800
01-FC:1251 110.00-DA

Total amount to be charged to Deposit Account \$880.00

- b. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to credit any overpayments to Deposit Account No. 12-1216

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Andrew J. Heinisch	Registration No. (Attorney/Agent)	43666
Signature		Date	May 27, 2004
Address	Leydig, Voit & Mayer, Ltd. 6815 Weaver Road Suite 300 Rockford, Illinois 61114-8018	Phone	(815) 963-7661 (telephone) (815) 963-7664 (facsimile)

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this RCE Transmittal is, on the date indicated below, ☒ being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or ☐ being facsimile transmitted to the U.S. Patent and Trademark Office.

06/02/2004 MAHME1 00000012 121216 09873800

Name (Print/Type)	Joan Condon	02 FC:1801	770.00 DA
Signature		Date	May 27, 2004



**RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2864**

PATENT
Attorney Docket No. 501094
Client Reference No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James J. Barnat et al.

Application No.: 09/873,800

Art Unit: 2864

Examiner: Raymond W. Addie

Filed: June 4, 2001

For: ROADWAY PAVING SYSTEM AND
METHOD INCLUDING ROADWAY
PAVING VEHICLE SUPPLY TRUCK

SUPPLEMENTAL RESPONSE TO ADDRESS ADVISORY ACTION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENTAL REMARKS

In the Advisory Action, in paragraph 2 the Examiner continued to assert that a restriction requirement was proper. In light of the amendments made to the independent claims, Applicant believes the restriction requirement is obviated and/or respectfully requests the Examiner to reconsider the restriction requirement since the issues have been narrowed as a result of the amendments. Accordingly, Applicant respectfully requests the restriction requirement to be withdrawn. If the Patent Examiner intends to maintain a restriction

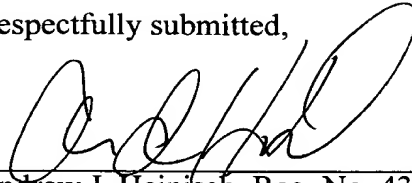
06/02/2004 MAHME1 00000012 09873800

01 FC:1251 110.00 DA

In re Appln. Of: James J. Barnat et al.
Application No.: 09/873,800

requirement, Applicant respectfully requests a telephonic interview on this point prior to a further Office Action.

Respectfully submitted,



Andrew J. Heinisch, Reg. No. 43666
LEYDIG, VOIT & MAYER, LTD.
6815 Weaver Road, Suite 300
Rockford, Illinois 61114-8018
(815) 963-7661 (telephone)
(815) 963-7664 (facsimile)

Date: May 27, 2004